

Notice of Allowability	Application No.	Applicant(s)
	10/784,222	QIU ET AL.
	Examiner TAN TRINH	Art Unit 2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 2-24-2004.
2. The allowed claim(s) is/are 1-7.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 7-7-2004
4. Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 07-07-2004, the information disclosure statement has been considered by the examiner.

Allowable Subject Matter

2. Claims 1-7 are allowed.

Reasons for allowance

3. The following is an examiner's statement of reasons for allowance:

Regarding independent claims 1-3 and 7, the reference of Hamabe (U.S. Pub. No. 2001/0016499) teaches the base station controller 51 notifies the mobile station 21 that interference avoidance control has been activated (Step 402). Along with this information, the base station controller 51 notifies the thresholds R1 and R2 to be used by the mobile station for interference avoidance control, and the measuring cycles Tshort and Tlong (see page 7, section [0123]). and the carrier frequency being used by the mobile station 21 is adjacent to the carrier frequencies of Cellular System B, then the base station controller 51 notifies the mobile station 21 that interference avoidance control has been activated (Step 802). (see page 10, section [0162]). However, the reference of Hamabe and prior art of record fail to disclose; A radio packet communication system for performing radio packet communication between a base station and a mobile station, wherein: the base station comprises: an adjacent cell interference amount calculator configured to calculate an adjacent cell interference amount caused by an adjacent cell which is adjacent to an original cell managed by the base station; and an adjacent

cell interference amount notifier configured to notify the mobile station of the adjacent cell interference amount; and the mobile station comprises: a plurality of radio resource associators configured to associate a radio resource with a propagation loss in the radio packet communication; a selector configured to select a radio resource associator in accordance with the adjacent cell interference amount notified by the base station; a propagation loss calculator configured to calculate a propagation loss in the radio packet communication; and a radio resource assigner configured to assign the radio resource associated with the calculated propagation loss to the radio packet communication, in accordance with the selected radio resource associator, as specified in independent claims 1-3 and 7.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for Technology Center 2600 only)

Hand-delivered responses should be brought to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh
Division 2618
November 18, 2006

Anderson, Matthew D. (SPE 2618)



Matthew D. Anderson
Supervisory Patent Examiner